REMARKS

Claims 1-38 are pending in this application. Claims 1-38 are rejected. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

Claims 1, 16 and 25 have again been rejected under 35 U.S.C. § 103(a) as being unpatenable over Hatfield et al. (U.S. Patent 5,779,641), hereafter Hatfield, in view of Hossack et al. (U.S. Patent 6,116,244), hereafter Hossack. Applicant respectfully traverses the 35 U.S.C. § 103(a) rejection.

The Office Action again states that the system of Hatfield et al. includes a graphics processor that "produces graphics overlays that are understood to be the rendering shapes defined by the vertex entries." Applicant again respectfully disagrees.

Claims 1, 16 and 25 each recite vertex entries that define rendering shapes or blending shapes. The cited prior art simply does not describe or suggest rendering shapes or blending shapes defined by vertex entries.

The Office Action states that the response filed by the Applicant has been fully considered, but they are not persuasive. The Office has the burden of establishing that a prior art reference teaches each and every element of the claimed invention. In the present application, Applicant respectfully submits that the burden has not been met. The Hatfield reference teaches a three-dimensional ultrasound imaging system that reduces speckle artifact data before the acquired data from a volume of interest is projected onto an image plane (abstract). In the Background of the Invention of Hatfield, different manners of formatting images are identified. In particular, Hatfield states that the "scan converter/display controller 6 in cooperation with master controller 8, also formats multiple images for display, display annotation, graphics overlays and replay of cine loops aid recorded timeline data." (column 1, line 67 to column 2, line 4). This description clearly indicates that the graphics overlay is merely a formatting function and not used for any type of rendering as suggested in the Office Action. The

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components used for generating the graphics overlay are the scan converter/display converter as controlled by the master controller. The scan converter/display controller performs no rendering. The data received by the scan converter/display controller is already processed and is merely converted to a raster scan format for display (column 1, lines 58-67). There is simply no support for asserting that the graphics overlays are rendering shapes. Nothing is rendered or formed from this overlay and, thus, the overlay cannot be a rendering shape. This overlay is used to help clinicians view the images as clearly evidenced by the statement in Hatfield that this formatted data including the graphics overlays "aid recorded timeline data."

Moreover, the only other description in the entire Hatfield reference where graphics overlays are described is further in the Background of the Invention wherein it is stated that the "graphics data for producing graphics overlays *on* the displayed image is generated and stored in the timeline/graphics processor and display memory 20." (column 2, lines 57-60, emphasis added). This description, which was cited in the Office Action, further supports the position that the graphics overlay has nothing to do with any rendering shapes. As clearly stated in Hatfield, the graphics overlays are produced *on* the displayed image and not as rendering shapes for use in forming an image. The image is already formed and then the overlay added. This is the normal meaning of the term "overlay" and the Hatfield reference has not attempted to define "overlay" contrary to its normal meaning.

The Office Action states that the "graphics data produces overlays that are understood to be the rendering shapes defined by the vertex entries." (Office Action, page 3). However, there is no support for this conclusory statement. In fact, the specification of the Hatfield reference clearly supports a different conclusion, namely that the graphics overlays are simply graphics overlaid on an image. There is no support for interpreting the graphics overlays to mean rendering shapes. The overlays are formed on the images and not used to form the image itself. The Office has not met the requisite burden to support a rejection wherein graphics overlays are rendering shapes. Accordingly, the combination of Hatfield et al. and Hossack et al. fails to describe or suggest at least some of the elements recited in independent claims 1, 16 and 25.

The additional prior art relied on in connection with Hatfield et al. and Hossack et al. to reject the dependent claims simply do not make up for the deficiencies in these references
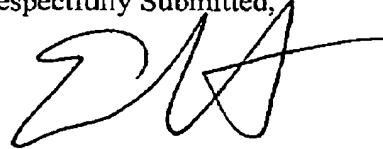
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including failing to show the use of rendering shapes to form an image. Accordingly, dependent claims 2-15, 17-24 and 26-38 are likewise patentable over the cited art based at least on these claims dependency from an independent claim, each of which is submitted to be allowable over the prior art.

For at least the reasons set forth above, Applicant respectfully requests that the 35 U.S.C. § 103 rejection of claims 1-38 be withdrawn.

In view of the foregoing remarks, it is respectfully submitted that the prior art fails to teach or suggest the claimed invention and all of the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully Submitted,

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